

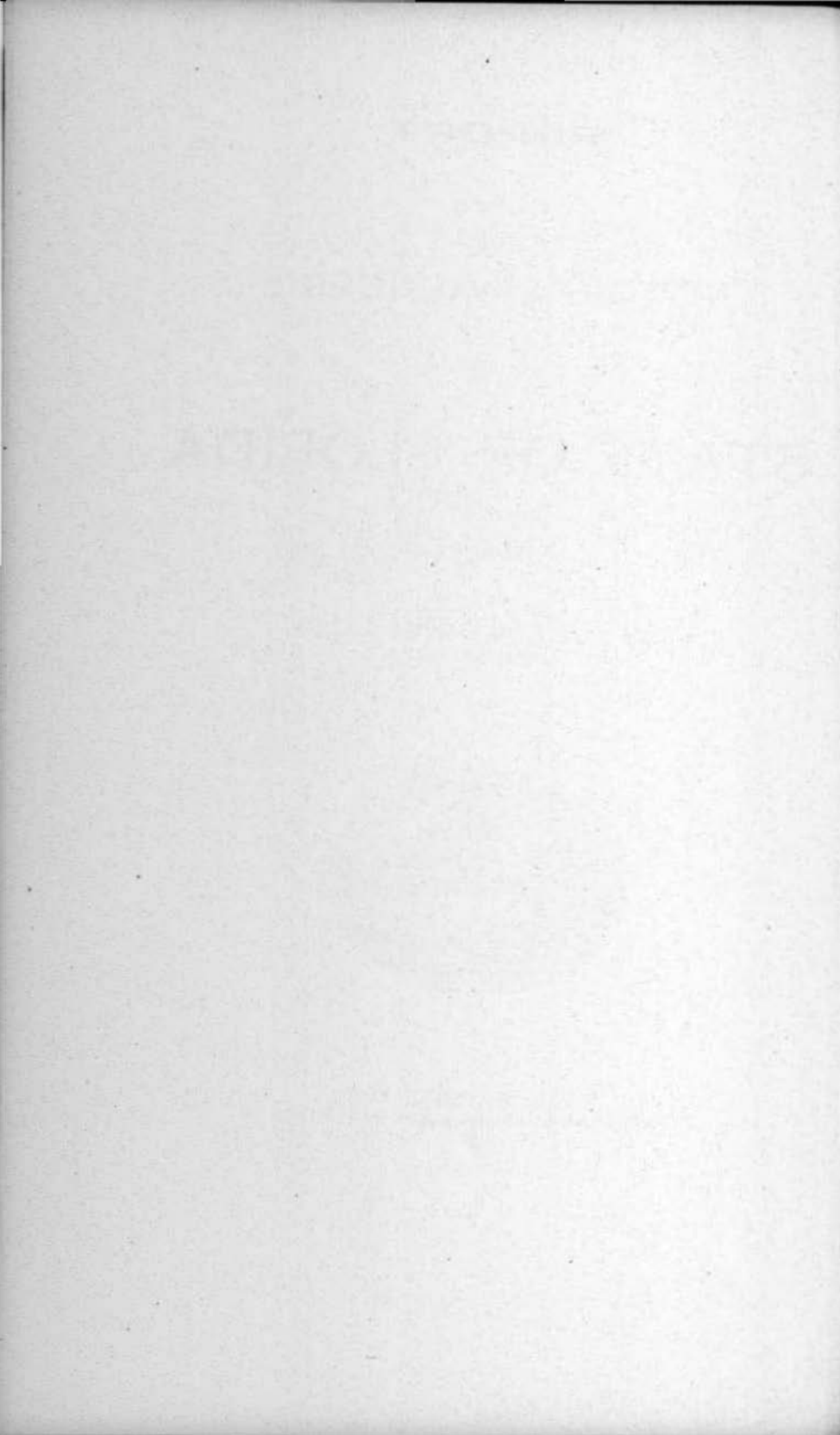
REPORT
OF THE
ATTORNEY-GENERAL
OF THE
STATE OF FLORIDA

FOR THE PERIOD

Beginning January 1, 1899, and ending
March 30, 1901.



TALLAHASSEE, FLA.:
TALLAHASSEEAN BOOK AND JOB PRINT.
1901.



Report of the Attorney-General.

ATTORNEY-GENERAL'S OFFICE,
TALLAHASSEE, FLA.. March 18, 1901. }

To His Excellency,

WILLIAM S. JENNINGS, Governor of Florida:

In obedience to the requirements of the Constitution of this State, I have the honor to submit the following report of the matters pertaining to the office of Attorney-General, for the two years last past and to the present date:

This report has been delayed somewhat by illness and that mention might be made to as late a date as possible of important pending litigation.

The Florida Central and Peninsular Railroad Company,
vs. William H. Reynolds, Comptroller of Florida, and John
A. Pearce, Sheriff of Leon county.

This protracted litigation ended in the State Courts on the 26th day of June, A. D. 1900. The Supreme Court dismissed the Bill of Review brought by the above named company to review a decree holding its lines of railroad in this State liable to the assessment for back taxes for the years 1879, 1880 and 1881, amounting to \$96,181.69. In October of 1900 the Comptroller levied upon all the lines of railroad and other property in this State of the said railroad company to compel by sale the payment of the taxes due by it to the State.

The railroad company sued out a writ of error, and carried the case to the Supreme Court of the United States, and filed in that Court a supersedeas bond, under the order of the Court, in the sum of \$100,000. In the latter part of December, 1900, I filed in the Supreme Court of the United States a motion to dismiss the writ of error sued out by the said railroad company. That motion is in language as follows:

IN THE SUPREME COURT OF THE
UNITED STATES.

OCTOBER TERM, 1900.

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| THE FLORIDA CENTRAL AND PENINSULAR RAILROAD COMPANY, <i>Plaintiff in Error,</i> | } NUMBER 493 |
| VS. | |
| WILLIAM H. REYNOLDS, AS COMPTROLLER OF THE STATE OF FLORIDA, AND JOHN A. PEARCE, AS SHERIFF OF LEON COUNTY OF SAID STATE, <i>Defendants in Error.</i> | |

Comes now the defendants in error herein by Wm. B. B. Lamar, their counsel appearing in that behalf, and moves the Court to dismiss the writ of error in the above entitled cause upon the following grounds, to-wit:

FIRST—Because the judgment or decree which is brought up for examination and review, is the judgment or decree of the Supreme Court of one of the United States, to-wit: The Supreme Court of the State of Florida, and no Federal question was involved in the case or appeared or was raised upon the record or was decided by said Supreme Court of Florida adversely to the plaintiff in error, which will entitle this Court to examine and review the said judgment or decree of the said State Court.

SECOND—Because the said writ of error was not brought within two years after the entry, by the said Supreme Court of the State of Florida, of the judgment or decree, in the original cause, which is brought up for examination and review.

And the said defendants in error, by counsel as aforesaid, also moves the Court to affirm the said judgment or decree of the said Supreme Court of the State of Florida, which is brought up for examination and review because, although the record in the said cause may show that this Court has jurisdiction in the premises, yet it is manifest that the said writ of error was sued out for delay only.

W. B. LAMAR,

Counsel for defendants in error for the purposes of these motions.

To Hons. John A. Henderson, Wayne McVeagh and Frederick D. McKeney, Counsel for Plaintiff in Error:

Please take notice that on the twenty-first day of January, 1901, at the opening of the Court, or as soon thereafter as counsel can be heard, the motions of which the foregoing are copies, will be submitted to the Supreme Court of the United States for the decision of the Court thereon.

Annexed hereto is a copy of the brief of argument to be submitted with the said motions in support thereof.

W. B. LAMAR,

Counsel for defendants in error for the purposes of the motions.

A brief with legal authorities sustaining the motion was filed with the motion to dismiss the writ of error.

The United States Supreme Court deferred action on the motion until a hearing upon the merits of the case.

On the 18th day of February, 1901, I filed in the said Court a motion to advance the case for a hearing on its merits. I submitted the motion in person in open Court on the 25th day of the above named month. The Court on the 5th day of March inst., granted the motion to advance, and fixed the hearing for the 28th day of October, 1901. It may be of some interest to set out the motion in full, as follows:

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1900.

THE FLORIDA CENTRAL AND PENINSULAR
RAILROAD COMPANY,

Plaintiff in Error,

vs.

WILLIAM H. REYNOLDS, AS COMPTROLLER
OF THE STATE OF FLORIDA, AND JOHN A
PEARCE AS SHERIFF OF LEON COUNTY,

Defendants in Error.

} Number 463.

And now comes the Defendants in Error, herein by William B. Lamar, their counsel appearing in that behalf, and moves the Court to advance the above entitled case and set the same for a hearing at an early day during the present term of the Court, for the reasons following, to wit:

FIRST—Because the purpose of said suit is to establish the exemption of the railroads of the plaintiff in error from taxa-

tion under the 18th Section of the Internal Improvement Act, Chapter 610, Laws of Florida; and to recover back the sum of \$140,812.47, which was paid by the Florida Railway and Navigation Company, to the State of Florida, in 1885, for the taxes assessed on said Railroad for the years 1882, 1883 and 1884; and to enjoin the collection of the taxes assessed on said Railroads for the years 1879, 1880 and 1881 under the provisions of the Statutes of Florida, Chapters 3558 and 4073.

Furthermore this suit involves the liability of the said railroads to taxation under the revenue laws of said State, and in the meantime stays the execution of said laws.

These railroads comprise upwards of three hundred and sixty-four miles of track, and also depots, machine shops, rolling stock and appurtenances valued at upwards of ten million dollars and constitute a large proportion of the taxable railroad property of said State.

SECOND—Because the taxes involved in this suit amount in the aggregate to \$96,181.69, upon which no interest is chargeable under the laws of the State of Florida for delay in the payment thereof. Besides this amount is composed of \$37,318.69, assessed for general revenue for said State, and \$5,971.09 assessed for the public school fund for said State, and \$21,053.72, assessed for revenue for the counties of Suwanee, Alachua, Baker, Bradford, Clay, Columbia, Gadsden, Jefferson, Levy, Leon, Madison, Nassau and Wakulla, of said State, and \$15,068.76, assessed for the public schools for said several counties, and \$16,769.43, assessed as a special tax for said several counties. See printed record, page 24. These taxes are necessary to defray current expenses of the State and counties aforesaid and maintain the public schools thereof; and the operations of the State and county governments and the maintenance of the public schools thereof are embarrassed by delay in the collection of them and the staying of the execution of the revenue laws aforesaid.

THIRD—Because the said case was advanced by the Supreme Court of the State of Florida.

W. B. LAMAR,
Attorney-General of Florida,
and Counsel for Defendants in Error.

*To T. L. Clarke, Fredrick D. McKenney, Attorneys for
Plaintiff in Error.*

*Wayne Mc Veagh, J. A. Henderson, of Counsel for Plaintiff
in Error.*

You are hereby notified that the motion of which the foregoing is a true copy will be made before the Supreme Court of the United States on the 25th day of February, 1901, at the opening of said Court on that day, or as soon thereafter as counsel can be heard.

Annexed hereto is a copy of the authorities as well as copies of certificates, which will be submitted with the motion in support thereof.

W. B. LAMAR,
Attorney-General of the State of Florida,
and Counsel for Defendants.

Rev. Stat. Sec. 949.

Hoge vs. Richmond and Danville R. R. Co., 93 U. S. 1.

STATE OF FLORIDA, }
LEON COUNTY. }

I, W. N. Sheats, do hereby certify that I am the Superintendent of Public Instruction for the State of Florida, am familiar with the public school system of said State and have supervision of the public schools thereof, and know the sources from which revenue is obtained to maintain said schools as well as the annual sums necessary to keep them in successful operation, and furthermore that the school taxes involved in the suit of the Florida Central and Peninsular Railroad Company against William H. Reynolds as Comptroller of the State of Florida, and John A. Pearce as Sheriff of Leon County, now pending in the Supreme Court of the United States are necessary for the support of the public schools, and the delay in the collection of it is embarrassing the operation and maintenance of said schools.

Given under my hand and official seal this 14th day of February, A. D. 1901.

[SEAL.]

WM. N. SHEATS,
Superintendent of Public Instruction of the State of
Florida.

STATE OF FLORIDA, }

LEON COUNTY. }

I, William H. Reynolds, do hereby certify that I am Comptroller of the State of Florida and that the facts stated in the second reason assigned in the foregoing motion (as to the amount of taxes assessed) for advancing said case are true, that the State of Florida and various counties will be greatly benefitted by the collection of said taxes and that the counties of Leon, Jefferson, Madison, Baker and Bradford, have now outstanding and unpaid county bonds varying in each county in amount from about six thousand dollars to thirty-five thousand dollars issued in aid of construction of the railroad to which the said Florida Central and Peninsular Railroad Company is the successor and upon which bonds annual interest at six per cent is paid, and part of the amount involved in said sum of \$96,181.69, will go to the payment of principal and interest on said bonds.

Given under my hand and official seal this 14th day of February, A. D. 1901.

[SEAL]

WM. H. REYNOLDS,
Comptroller of the State of Florida.

SUPREME COURT OF FLORIDA, JANUARY TERM,
A. D. 1900.

WILLIAM H. REYNOLDS, AS COMPTROLLER
OF FLORIDA, AND JOHN A. PEARCE, AS
SHERIFF OF LEON COUNTY, FLORIDA,

Appellants,

VS.

THE FLORIDA CENTRAL AND PENINSULAR
RAILROAD COMPANY,

Appellee.

Now comes W. B. Lamar as Attorney-General, and moves the Court to advance the above cause for hearing and decision upon the ground that the State of Florida is directly interested therein, the same involving the collection of the State's revenue.

W. B. LAMAR,
Attorney-General for the Motion.

Filed March 6, 1900.

TALLAHASSEE, MARCH 6, 1900. }
TUESDAY, 10 O'CLOCK, A. M. }

Court met pursuant to adjournment.

Present: HON. R. F. TAYLOR, Chief Justice,
HON. M. H. MABRY, } Justices.
HON. F. B. CARTER, }

WILLIAM H. REYNOLDS, COMP-
TROLLER, &C., *et al.*,
Appellants. }
vs.
F. C. & P. R. R. Co.,
Appellee. }

This cause coming on to be heard upon motion of the Attorney-General to advance the same for hearing and decision, upon the ground that the State of Florida is directly interested therein, and the Court being advised of its judgment in the premises, it is ordered that the same be granted; and it is further ordered that the appellants shall file four copies of their brief in this Court on or before the 17th day of March, 1900, and that the appellee shall file four copies of its brief on or before the 24th day of March, 1900, and that the said cause shall be orally argued, if the parties so desire, on the 27th day of March, 1900, and that the Clerk of this Court shall at once notify all parties of this order.

I, B. B. Wilson, Clerk of the Supreme Court of the State of Florida, do hereby certify that the foregoing two pages contain true copies of a motion, and an order of the said Supreme Court, in the case of William H. Reynolds, Comptroller, &c., *et al.*, Appellants, *vs.* F. C. & P. R. R. Co., Appellee, as the same appear upon the records of my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said Supreme Court, at the City of Tallahassee, the Capital, this 14th day of February, A. D. 1901.

[SEAL]

B. B. WILSON,

Clerk Supreme Court, State of Florida.

There seems to be no reason to doubt that the Supreme Court of the United States will affirm the judgment of the Supreme Court of Florida.

THE CENTRAL TRUST COMPANY OF NEW YORK,

vs.

WILLIAM H. REYNOLDS AS COMPTROLLER OF
FLORIDA, AND JOHN A. PEARCE AS SHERIFF
OF LEON COUNTY.

This is a suit growing out of the effort on the part of the State of Florida to collect these same back taxes from the Florida Central and Peninsular Railroad Company. It is brought in the Circuit Court of the United States, Fifth Circuit, Northern District of Florida. This trust company no doubt holds the bonds of said railroad and claims interests in the said railroad superior to the claim of the State. The suit can surely result in nothing but delay in collecting the taxes, if it results in that at all. I do not think it has any standing in a court to defeat the State's claim for those unpaid back taxes. The suit was lately brought and will be pressed with all proper vigor on the part of the State.

WILLIAM D. BLOXHAM, AS GOVERNOR, ETC.,

Plaintiff's.

vs.

CHARLES RHEINAUER,

Defendant.

Judgment was obtained by the plaintiff in the Circuit Court for Leon county, Florida, on the 16th day of July, A. D. 1898, against Charles Rheinauer a surety on the official bond of Ex-State Treasurer C. B. Collins for the sum of fifteen thousand dollars. The case was soon after carried to the Supreme Court of Florida upon writ of error sued out by the Defendant. I have not heretofore, on the part of the State, moved to advance the case for a hearing for reasons I deemed advisable and in the interest of the State.

The State of Florida *ex rel.* William B. Lamar, Attorney-General, and Benjamin S. Liddon and John M. Barrs, as Special Counsel for the Railroad Commissioners of the State of Florida, Plaintiff in Error, vs, The Jacksonville Terminal Company, Defendant in Error.

To explain this case I quote somewhat from the decision of the Supreme Court of Florida, the opinion rendered by Chief-Justice R. F. Taylor:

"The Railroad Commissioners of Florida, under the provisions of Chapter 4700, Laws, approved June 3d, 1899, made an order requiring the Jacksonville Terminal Company, a corporation, to admit the Atlantic, Valdosta and Western Railway Company, with its engines, cars and trains, to the use and benefit of its terminal facilities and union depot in the city of Jacksonville to the like extent accorded by it to other railway companies, upon the payment by said railway company to it of the sum of \$1,275 quarter-annually, for the use of such terminal facilities, besides its equitable proportion of the expenses of maintenance, operation, taxes and repairs of said terminal property, and commanding the said railway company to join its tracks to those of said Terminal Company, and to operate its trains in and out of said terminal station and union depot. Upon the alleged refusal of said Terminal Company to comply with such order of the Railroad Commissioners, the Attorney-General and the special counsel for the Railroad Commissioners, by special order of such Commissioners, sued out an alternative writ of mandamus from the Circuit Court of Duval county, directed to said Terminal Company, commanding it, in effect, to obey the said order of the Commissioners or show cause why it should not do so. The respondent Terminal Company met the alternative writ of mandamus with a motion to quash same upon various grounds, which motion was granted by the Circuit Judge, and the respondent dismissed without day. From this judgment the relators have sued out a writ of error from this court, the same being issued on the 11th day of October, 1899, and made returnable on the 6th day of November, 1899, on which return day the record and writ of error were filed in this court.

The defendant in error now moves this court to quash the writ of error upon the following grounds. * * *."

The court denied the motion to dismiss the writ of error and sustained the validity of the Act of the Legislature under which the Railroad Commission was acting.

The State of Florida ex rel. William B. Lamar, Attorney-General, and Benjamin S. Liddon and John M. Barrs as special counsel for the Railroad Commissioners of the State of Florida, Plaintiff in Error, vs. The Jacksonville Terminal Company, Defendant in Error. .

This case involved a decision upon the merits, and sustained the powers of the Railroad Commission under the act of the Legislature, Chapter 4700, Laws of Florida. That something

may be understood readily of the nature and extent of the decision of the Supreme Court, without a resort to the volume of reports, I quote from the opinion of the Court, the same being delivered by Justice Francis B. Carter, viz:

"X. Eighth, tenth, thirteenth and seventeenth grounds of the motion to quash: We think the proper construction of that part of Section 6 of the Railroad Commission act referring specially to passenger terminals requires us to hold that the power thereby conferred upon the Commissioners to require the admission therein of railroad companies desiring or required by the Commissioners to enter, has no reference to a terminal station owned and used exclusively for its own traffic by any common carrier or railroad company, but applies to those passenger terminals owned or operated by a terminal company or individual or by a railroad company in connection with its main line, where such terminal company, individual or railroad company undertakes to furnish terminal facilities to or permits the use of such terminal and its privileges by one or more railroad common carriers. This intention, we think, is clearly manifest from the use of the terms passenger terminal companies, 'whether owned or operated by any railroad company in connection with its main line or by a separate company organized for that purpose;' and when the act speaks of compelling the person or company operating said terminal 'to furnish to the railroad entering the same fair and equal participation in all the rights, privileges, connections, interchanges of traffic and other benefits of such terminal.' We do not mean to say that the Commissioners are given up no powers over terminal stations owned and used by a railroad company exclusively for its own traffic, for they have certain powers relating thereto derived from other provisions of the statute, and because such terminals are part and parcel of the main line over which certain powers are given, but as to such terminals the Commissioners have no authority to require the admission of another company and to fix the rate of compensation therefor. According to the pleadings in this case we have a passenger terminal designated in the regulation of the commissioners a 'common passenger station,' owned and operated by a terminal company, not to accommodate its own traffic, or as a part of its main line of railroad to facilitate its own work as a carrier, but devoted to the purpose of furnishing terminal facilities to and for railroad companies entering Jacksonville, with sufficient capacity to accommodate another road desiring to be furnished with similar facilities and which it is essential to the best interest and convenience of the public it should furnish. There can be

no doubt that the defendant in error is subject to the authority of the Railroad Commissioners, and that the latter are given power under the statute to make the regulation sought to be enforced, unless the powers attempted to be conferred are prohibited by the constitution of this State or that of the United States. We shall in the next succeeding paragraph consider the question as to whether the power here exerted amounts to a taking or appropriation of the property of the defendant in error under the power of eminent domain, and shall here consider all other constitutional questions presented. It is contended that the exercise of the power conferred by this statute deprives the defendant in error of its liberty and property without due process of law; that it is a private corporation engaged in a private business, devoting its property to private uses, receiving no franchise or privilege from the State and performing no governmental functions; that under these circumstances it can not be compelled to devote its property to the use of another private corporation, but that it has a right to permit or decline to permit the use of its property by whomsoever it pleases. But these contentions proceed from a wholly mistaken view of the nature and character of the business and property employed therein of defendant in error, as we shall proceed to show. The defendant in error according to the allegations of the pleadings is a corporation whose right to exist and to carry on the business in which it is engaged are derived from the State, and when engaged in such business its passenger terminal is a part and parcel of the public highways of the State represented by the railroads entering therein and in operating such terminal defendant in error is to a certain extent performing a function of government. It is engaged in a business affected with a public interest, for it performs for the public duties which devolve upon and which are required to be performed by the railroad common carriers entering its terminal. *Indianapolis Union Railway Co. v. Cooper*, 6 Ind. App. 202, 33 N. E. Rep. 219. While its property is private, it has devoted it to a public use by undertaking to furnish terminal facilities to railroad common carriers, and the public are not simply invited to use the property, but they have a legal right to resort thereto for terminal facilities incident to travel upon the railroads served by it. The State does not undertake to compel the defendant in error to devote its property to a public use, but it has voluntarily dedicated it to that purpose by undertaking to do for the public and the railroad common carriers are required by law to do for the public, *viz*: to furnish suitable terminal facilities for the proper accommodation and transportation of

the public as passengers upon the railroads. Its property while so devoted by it is necessarily and essentially an instrumentality employed in the common carriers' business and is affected by a public interest as much so as the carriers' property. By undertaking to permit the use of this property by and to furnish facilities for one or more railroad common carriers, it dedicates it to a use that is essentially public, and to the extent that the public, has an interest in that use, it must submit to be controlled by the public for the common good. The Legislature may, therefore, for the common good require it to admit all railroad common carriers to the extent of its capacity which the public interest may demand, and to limit its charges for the uses and privileges of its terminal to reasonable compensation; for where the public interest and convenience require that the Atlantic, Valdosta & Western Railway should be admitted to the uses and privileges of the passenger terminal of defendant in error, it is an abuse, and an unjust discrimination against the public and the passengers of that road, as well as against the road itself, not to accord that use and those facilities; and an excessive charge against that road for terminal facilities is in effect an excessive charge which the public will have to pay in the increased rate of fare caused by such excessive charge. We have no doubt that property devoted to the uses to which the pleadings show this terminal is devoted, is affected with a public interest and that the State has power to regulate such use by requiring the owner to serve equally and fairly all railroad common carriers which the public welfare may require, and to confine its charges therefor to reasonable rates or compensation, and that the exercise of this power does not deprive the defendant in error of its liberty or property without due process of law under the Constitution of this State or of the United States. *Ryan v. Louisville & Nashville Terminal Co.* (Tenn.) 50 S. W. Rep. 744; *Brass v. North Dakota ex rel Stoesser*, 153. U. S. 391; 14 Sup. Ct. Rep. 857; *Budd v. N. Y.*, 143 U. S. 517; 12 Sup. Ct. Rep. 468; *Munn v. Illinois*, 94 U. S. 113; *Jacobson v. Wisconsin, Minnesota & Pacific R. R. Co.*, 71 Minn. 519; 74 N. W. Rep. 893; S. C. 40 L. R. A. 389; *Smyth v. Ames*, 169 U. S. 466; 18 Sup. Ct. Rep. 418; *Lake Shore & Michigan Southern Ry. Co. v. Smith*, 173 U. S. 684; 19 Supt. Ct. Rep. 565; *Pensacola & Atlantic R. R. Co. v. State*, 25 Fla. 310; 5 South. Rep. 833. It is contended that this doctrine first announced by the Supreme Court of the United States in *Munn v. Illinois* has been subjected to severe criticism by text-writers, that it has always been maintained

by a divided court, and that the dissenting opinions in cases where it has been adhered to show clearly that the doctrine is unsound. Counsel seem to forget that the general principles maintained in these decisions, to the extent that they affirm 'full power' in the legislature 'to pass laws for the correction of abuses, and to prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons and property, or performing other services of a public nature,' are imbedded in section 30, Art. XVI of our constitution, and we are not at liberty to depart from them unless they are violative of the constitution of the United States. Under the rulings of the Supreme Court of the United States, the principles are still sustained and held not violative of that instrument, as applied to railroad common carriers and others engaged in business affected with a public interest, and we have no doubt that defendant in error is 'performing services of a public nature' within the meaning of our constitution, and that its business and property is 'affected with a public interest,' so as to subject it to the regulation here imposed without violating the 'due process' clause of the Federal constitution. It is further contended that defendant in error has not been given power to condemn private property for its use, therefore its property is not affected with a public interest. Unquestionably if it could lawfully condemn private property for its use its business would be affected with a public interest, but this is not the exclusive test, for a railroad company transporting persons and property for the public would be no less a common carrier and its business and property affected with a public interest, though its charter required it to acquire by private purchase all of its right of way and property used in its business, and it would be equally subject to State regulation and control as other common carriers. It is also contended that the railroad commission law embraces more than one subject and matter properly connected therewith, in violation of section 16, Art. III of the constitution. This contention was disposed of by our adverse decision on the motion to quash the writ of error in this case. See the opinion then filed, 41 Fla. —, 27 South. Rep. 225. Also, as sustaining the conclusions there reached, *Holton v. State*, 28 Fla. 303; 9 South. Rep. 716; *State ex rel. Turner v. Hocker*, 36 Fla. 358; 18 South. Rep. 767. It is further contended that the provisions of the sixth section of the railroad commission law relating to the admission into terminals and the fixing of rates for the uses and privileges thereof, apply only to such terminals as are owned by corporations, and therefore, dis-

criminate between corporations and individuals who may be engaged in the same character of business. But we think this contention is not correct. The provisions apply to the 'owner, lessee, or operator' of passenger terminals and the 'person or company' operating the same. These terms include corporations, associations and individuals, and the legislation, therefore, does not discriminate between owners or operators of terminals."

By amicable arrangement after the decision of the court, the railroad seeking entry into the terminal station has been admitted to its facilities.

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| <p>THE STATE OF FLORIDA, <i>ex rel</i> W. B. LAMAR, ATTORNEY-GENERAL, vs. BENJAMIN F. DILLON, <i>et als.</i></p> | } | ; |
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This was an information in the nature of two warrants brought in my name to determine the powers and duties of certain officers of the municipality of Jacksonville. The case was decided at the January term of the Supreme Court, and the judgment of the court below sustaining a demurrer to the information and dismissing same, was affirmed.

BELOW WILL BE FOUND A HISTORY OF THE CRIMINAL CASES BROUGHT IN THE PAST TWO YEARS BY WRIT OF ERROR TO THE SUPREME COURT AND IN WHICH I, AS ATTORNEY-GENERAL, APPEARED FOR THE STATE.

| Title of Case | Term | Offense | Court | County | Disposition |
|--|---------------|----------------------------------|-----------------------------|--------|--|
| C. E. Darby vs. The State of Florida. | January, 1899 | Altering County Warrant. | Circuit. | Holmes | Affirmed. |
| John Browning vs. The State of Florida. | January, 1899 | Larceny. | Circuit. | DeSoto | Affirmed |
| Sherman Copeland vs. The State of Florida. | January, 1899 | Murder first degree | Circuit. | Orange | Affirmed |
| W. H. Simmons vs. The State of Florida. | January, 1899 | Robbery by put- ting in fear. | Criminal Court of Record | Duval | Reversed |
| William P. Rigdon, <i>et als</i> vs. The State of Florida. | January, 1899 | Murder first de- gree. | Circuit. | Baker. | Habeas corpus bail denied. Affirmed. |

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| Joseph Richardson vs. The State of Florida. | January, 1899 | Keeping gamb ling house. | Criminal Court of Record | Hillsborough | Reversed |
| Will Williams vs. The State of Florida. | January, 1899 | Assault with intent to mur- der. | Circuit. | Walton | Affirmed |
| Mose Dean vs. The State of Florida. | January, 1899 | Larceny | Circuit. | Jackson | Reversed. |
| Daniel Peterson vs. The State of Florida | January, 1899 | Assault with intent to mur- der. | Circuit. | Franklin | Affirmed |
| Tom Mercer and Wesley Mobley vs. The State of Florida. | January, 1899 | Murder first and second degree. | Circuit. | DeSoto | Affirmed |
| Henan C. Waldron vs. The State of Florida. | January, 1899. | Assault with in- tent to murder. | Circuit. | Columbia. | Affirmed. |

HISTORY OF CRIMINAL CASES—Continued.

| Title of Case | Term | Offense | Court | County | Disposition |
|--|-------------|------------------------------------|------------------------------|-----------|---------------------------------|
| Ed. A. Wallace vs. The State of Florida. | June, 1899. | Threatening to accuse of crime. | Criminal Court of Record. | Escambia. | Reversed for proper sentence |
| George Bishop vs. The State of Florida. | June, 1899. | Murder, first de- gree. | Circuit. | Hernando. | Affirmed. |
| Peter McCoggle vs. The State of Florida. | June, 1899. | Murder, first de- gree. | Circuit. | Madison. | Affirmed. |
| M. J. Preston vs. The State of Florida. | June, 1899. | Trespass | Criminal Court of Record. | Duval. | Reversed. |
| Mack Mobley vs. The State of Florida. | June, 1899. | Murder, second degree. | Circuit. | Suwannee. | Affirmed. |
| C. G. Gantling vs. The State of Florida. | June, 1899. | Murder, first de- gree. | Circuit. | Hamilton. | Affirmed, |

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|---|-------------|---|------------------------------|------------|-------------------------------------|
| Anthony Bradnam vs. The State of Florida. | June, 1899. | Murder, second degree. | Circuit. | Wakulla. | Reversed. |
| Edward Alvarez vs. The State of Florida. | June, 1899. | Murder, second degree. | Circuit. | Bradford. | Affirmed. |
| Wilburn Shiver vs. The State of Florida. | June, 1899. | Fraudulently Changing marks and brands. | Circuit. | Osceola. | Affirmed. |
| G. D. Bryan vs. The State of Florida. | June, 1899. | Larceny. | Criminal Court of Record. | Volusia. | Reversed. |
| C. E. Tufts vs. The State of Florida. | June, 1899 | Trespass | Criminal Court of Record. | Orange. | Reversed |
| Z. A. Leggett vs. The State of Florida. | June, 1899 | Murder | Circuit. | Lafayette. | Dismissed on motion Atty Gen. |

HISTORY OF CRIMINAL CASES—Continued.

| Title of Case | Term | Offence | Court | County | Disposition |
|---|---------------|--------------|------------------------------|---------------|---|
| Robert Newberry and Tucker Swain vs. The State of Florida. | June, 1899 | | | Hillsborough. | Dismissed on motion of Atty. Gen. |
| Albert Gray vs. The State of Florida. | January, 1900 | Manslaughter | Circuit. | Jackson. | Affirmed. |
| Wesley Raines vs. The State of Florida. | January, 1900 | Larceny | Circuit. | Jackson. | Affirmed. |
| Isaac Brown vs. The State of Florida. | January, 1900 | Incest | Circuit. | Polk. | Affirmed. |
| William McCune vs. The State of Florida. | January, 1900 | Robbery | Criminal Court of Record. | Hillsborough. | Affirmed. |

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|--|---------------|----------------------------|------------------------------|---------------|---|
| John Martin and Mart Martin vs. The State of Florida. | January, 1900 | Larceny | Circuit. | • DeSoto. | Affirmed. |
| Mack Magill vs. The State of Florida. | January, 1900 | Robbery | Criminal Court of Record. | Duval. | Affirmed. |
| Samuel Stewart and Lennie Stewart vs. The State of Florida. | January, 1900 | Incest | Criminal Court of Record. | Hillsborough. | Dismissed. Writ of Error not properly tested. |
| Idella Mims vs. The State of Florida. | January, 1900 | Receiving stolen goods. | Criminal Court of Record. | Duval. | Affirmed. |
| Bill Morrison vs. The State of Florida. | January, 1900 | Murder first de- gree. | Circuit. | Holmes. | Affirmed. |
| Broad Williams, <i>et al.</i> , vs. The State of Florida. | January, 1900 | Robbery. | Criminal Court of Record. | Duval. | Affirmed. |

HISTORY OF CRIMINAL CASES—Continued.

| Title of Case | Term | Offense | Court | County | Disposition |
|---|---------------|----------------------|----------|------------|-------------|
| Robert Williams vs. The State of Florida. | January, 1900 | Murder first degree. | Circuit. | Duval. | Affirmed. |
| Mose Roberson vs. The State of Florida. | January, 1900 | Murder first degree. | Circuit. | Duval. | Affirmed. |
| Frank Roberson vs. The State of Florida. | January, 1900 | Murder first degree. | Circuit. | Duval. | Reversed. |
| York Chism vs. The State of Florida. | January, 1900 | Rape. | Circuit. | St. Johns. | Reversed. |
| Peter Smith vs. The State of Florida. | January, 1900 | Murder first degree. | Circuit. | Leon. | Reversed. |

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| Will Wright vs. The State of Florida. | January, 1900 | Murder first de- gree. | Circuit. | Leon. | Affirmed. |
| Benjamin Squires vs. The State of Florida. | January, 1900 | Larceny. | Circuit. | Putnam. | Affirmed. |
| Raymond West vs. The State of Florida. | January, 1900 | Murder first de- gree. | Circuit. | Jackson. | Reversed. |
| P. H. Lewis vs. The State of Florida. | January, 1900 | Murder second degree. | Circuit. | Calhoun. | Affirmed. |
| M. B. King vs. The State of Florida. | January, 1900 | Obstructing offi- cer. | Criminal Court of Record. | Duval. | Affirmed. |
| Dallas D. Miller vs. The State of Florida. | January, 1900 | Embezzlement. | Circuit. | Calhoun. | Reversed. |
| W. K. Cleveland vs. The State of Florida. | January, 1900 | Selling Liquor without License. | Circuit. | DeSoto. | Dismissed on motion of Atty. Gen. |

HISTORY OF CRIMINAL CASES—Continued.

| Title of Case | Term | Offence | Court | County | Disposition |
|---|-------------|--------------------------------|---------------------------|-------------|--|
| <i>Ex parte</i> , Isaac Gainey vs. The State of Florida. | June, 1900. | Murder first degree. | Circuit. | Baker. | Habeas Corpus. Judgment denying bail reversed |
| Abb Penton and Zada Edgar vs. The State of Florida. | June, 1900. | Unlawful cohabitation. | Circuit. | Santa Rosa. | Reversed. |
| Archibald Hogan and William Hogan vs. The State of Florida. | June, 1900. | Assault with intent to murder. | Criminal Court of Record. | Duval. | Reversed. |
| S. R. Lang vs. The State of Florida. | June, 1900. | Larceny. | Circuit. | Nassau. | Affirmed. |
| Charlie Long. vs. The State of Florida. | June, 1900. | Assault with intent to murder. | Circuit. | Jackson. | Affirmed. |

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| James Long, <i>et al.</i> , vs. The State of Florida. | June, 1900 | Larceny of property, part of realty. | Criminal Court of Record. | Orange. | Reversed. |
| William Mitchel and Anthony Mims vs. The State of Florida. | June, 1900. | Manslaughter. | Criminal Court of Record. | Duval. | Dismissed for failure to file briefs. |
| Peter Smith vs. The State of Florida | June, 1900. | Murder first degree. | Circuit. | Leon. | Affirmed. |
| C. C. Higgenbotham vs. The State of Florida. | June, 1900. | Larceny. | Circuit. | Marion. | Affirmed. |
| William J. Knight vs. The State of Florida. | June, 1900. | Assault with intent to murder. | Circuit. | Alachua. | Reversed. |
| Samuel Stewart and Lennie Stewart vs. The State of Florida. | June, 1900. | Incest. | Criminal court of record. | Hillsborough. | Affirmed. |

HISTORY OF CRIMINAL CASES—Continued.

| Title of Case | Term | Offense | Court | County | Disposition |
|---|-------------|--------------------------|----------|--|--|
| R. R. Richard vs. The State of Florida. | June, 1900. | Manslaughter. | Circuit. | Bradford | Affirmed. |
| G. Towney Kennard vs. The State of Florida. | June, 1900. | Manslaughter. | Circuit. | Alachua. | Affirmed. |
| Willie Gavin vs. The State of Florida. | June, 1900. | Murder second degree. | Circuit. | Wakulla. | Affirmed. |
| William Craft vs. The State of Florida. | June, 1900. | Perjury. | Circuit. | Baker. | Reversed. |
| Dick Hewitt, <i>et als.</i> vs. The State of Florida. | June, 1900. | Murder second degree. | Circuit. | Duval transferred from Bradford. | Dismiss'd on mo- tion of Plaintiff in error. |

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| Amos Randall vs. J. D. Tillis, Sheriff of Polk county. | January, 1901 | Violating chapter 4746. | Circuit. | Polk. | Affirmed. |
| Wallace Ruis and John Davis vs. The State of Florida. | January, 1901 | Assault with intent to murder. | Circuit. | Baker. | Reversed. |
| Aaron Denmark vs. The State of Florida. | January, 1901 | Murder first degree. | Circuit. | Duval. | Affirmed. |
| William Mitchell and Anthony Mims vs. The State of Florida. | January, 1901 | Manslaughter. | Criminal Court of Record. | Duval. | Affirmed. |
| Wesley Hearn vs. The State of Florida. | January, 1901 | Accessory after fact of arson. | Criminal Court of Record. | Duval. | Reversed. |
| Henry Hicks vs. The State of Florida. | January, 1901 | Arson. | Criminal Court of Record. | Duval. | Reversed. |

HISTORY OF CRIMINAL CASES—Continued.

| Title of Case | Term | Offense | Court | County | Disposition |
|--|---------------|--------------------------------|---------------------------|---------|---------------------------------------|
| Frank Roberson vs. The State of Florida. | January, 1901 | Murder first degree. | Circuit. | Duval. | Reversed. |
| Thomas Yates and William Grey vs. The State of Florida. | January, 1901 | Larceny. | Circuit. | Clay. | Affirmed. |
| James Robinson vs. The State of Florida. | January, 1901 | Assault with intent to murder. | Criminal Court of Record. | Duval. | Reversed. |
| Nicholas P. Myers and Robinson Myers vs. The State of Florida. | January, 1901 | Murder third degree. | Circuit. | Marion. | Dismissed for failure to file briefs. |

Judge William A. Hocker, of the Fifth Judicial Circuit, has called my attention to certain defects in the laws. I will submit his recommendations to the Legislature.

Respectfully submitted,

WILLIAM B. LAMAR,
Attorney-General.